

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

EMPIRE INDEMNITY INSURANCE  
COMPANY,

*Plaintiff,*

V.

N/S CORPORATION, JALIN, LTD.,  
D/B/A MY CAR WASH, LIBERTY  
SURPLUS INSURANCE CORPORATION,

*Defendants.*

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Case No. 4:11cv166  
(Judge Clark/Judge Mazzant)

**ORDER ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On August 10, 2012, the report of the Magistrate Judge was entered containing proposed findings and recommendations that Defendant Liberty Surplus Insurance Corporation's Motion to Dismiss for Lack of Subject Matter Jurisdiction pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(h)(3) [Doc. #76] be granted.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Defendant Liberty Surplus Insurance Corporation's Motion to Dismiss for Lack of Subject Matter Jurisdiction pursuant to Federal Rules of Civil Procedure

12(b)(1) and 12(h)(3) [Doc. #76] is GRANTED. Liberty Surplus Insurance Corporation is DISMISSED without prejudice for lack of subject matter jurisdiction.

So **ORDERED** and **SIGNED** this **7** day of **September, 2012**.

A handwritten signature in black ink, appearing to read "Ron Clark", is positioned above a horizontal line.

Ron Clark, United States District Judge